

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HYDRO-PHOTON, INC.,
Plaintiff,

v.

MERIDIAN DESIGN, INC.,
Defendant.

C.A. No. 05-11240 GAO

**DECLARATION OF DAN MATTHEWS IN SUPPORT OF DEFENDANT MERIDIAN
DESIGN, INC.'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT**

I, Dan Matthews, declare, under penalty of perjury, that the following statements are true,
to the best of my knowledge, information, and belief:

1. I am the Chief Operating Officer of Meridian Design, Inc. ("Meridian").
2. Meridian manufactures and sells ultraviolet portable water purifier products,
including the AquaStar™ and AquaStar Plus!™ products. Samples of both the
AquaStar™ and AquaStar Plus!™ products are being submitted to the Court with this
Declaration.
3. The AquaStar™ product includes a bottle with an opening and threaded screw-on cap
that fits over the opening of the bottle. The cap includes an ultraviolet bulb mounted
to the cap and oriented to extend into the bottle when the cap is screwed onto the
bottle. The cap contains batteries for providing power to the ultraviolet bulb and a
switch for the turning the bulb on and off.

4. The AquaStar Plus!™ includes the same features as the AquaStar™ and certain additional features, such as an improved timing circuit, better weather sealing, added shock protection, and a built-in camping lantern function.
5. Neither the AquaStar™ nor the AquaStar Plus!™ has a liquid-level sensor that controls whether the ultraviolet bulb will turn on.
6. Neither the AquaStar™ nor the AquaStar Plus!™ has anything equivalent to the combination of a liquid-level sensor and an on-off switch.
7. The user can press the switch on the cover of both the AquaStar™ and the AquaStar Plus!™ products to turn their bulbs on while the bulbs are *not* immersed in water.
8. The AquaStar™ and AquaStar Plus!™ products are designed to operate even when the bulb is not immersed in water because the bottle, which is made of a polycarbonate material, blocks 100% of the ultraviolet light emitted by the ultraviolet bulb regardless of whether the ultraviolet bulb is immersed in water. However, since the ultraviolet bulb of the AquaStar™ and AquaStar Plus!™ products will operate even when the bulb is not immersed in water, users are cautioned not to press the on-off switch when the bulb is not inserted into the bottle filled with water.



Dated: November 10, 2005

Dan Matthews
Chief Operating Officer
Meridian Design, Inc.